

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

|  |   |                           |
|--|---|---------------------------|
| Antonio Crawford #326526,                          | ) | C/A No. 8:15-1362-MGL-JDA |
|  | ) |                           |
| Plaintiff,   | ) |                           |
|  | ) | <b>ORDER</b>              |
| vs.  | ) |                           |
|  | ) |                           |
| Chris Hunt;  | ) |                           |
| E. Bettinger, DHO Officer,                         | ) |                           |
| <i>in their individual or personal capacity;</i>   | ) |                           |
| Tony Smith, <i>Captain</i> ; Tracy Simms,          | ) |                           |
| <i>Contraband Officer</i> ; Sgt. David Craig, III, | ) |                           |
|  | ) |                           |
| Defendants.  | ) |                           |
| _____  | ) |                           |

This is a civil action filed by a state prisoner. This matter is before the Court because Plaintiff added three additional defendants per his Amended Complaint—Tony Smith, Tracy Simms, and David Craig, III. [Doc. 23.] By Order dated June 2, 2015, Plaintiff was given a specific time frame in which to bring this case into proper form with respect to the newly added defendants. Plaintiff has complied with the Court’s Order, and this case is now in proper form.

**TO THE CLERK OF COURT:**

The Clerk of Court is directed to issue the summons for Tony Smith, Tracy Simms, and David Craig, III, and to forward copies of this Order, the summons, the Amended Complaint [Doc. 23], and the Forms USM-285 to the United States Marshal for service of process. The Clerk of Court may sign the Forms USM-285 on behalf of Plaintiff, if Plaintiff has neglected to do so. The Clerk of Court shall calculate the 120-day period for service of process under Rule 4(m) from the date on which the summons is issued. *Robinson v. Clipse*, 602 F.3d 605, 608–09 (4th Cir. 2010) (tolling during initial review). *A copy of this Order must be provided to the United States Marshal.*

**TO THE UNITED STATES MARSHAL:**

The United States Marshal shall serve the Amended Complaint on Defendants Tony Smith, Tracy Simms, and David Craig, III. The time limit to accomplish service is governed by Rule 4(m) of the Federal Rules of Civil Procedure. The 120-day limit established by Rule 4(m) will not run during the initial review of this case; therefore, the 120 days begins on the date on which the summons is issued.

The United States Marshals Service is advised that it must expend a reasonable investigative effort to locate a defendant once a defendant is properly identified. See

*Greene v. Holloway*, No. 99-7380, 2000 WL 296314, at \*1 (4th Cir. 2000) (citing with approval *Graham v. Satkoski*, 51 F.3d 710 (7th Cir. 1995)). If the information provided by Plaintiff on the Forms USM-285 is not sufficient for the Marshal to effect service of process, after reasonable investigative efforts have been made to locate a properly identified Defendant, the Marshal should so note in the "Remarks" section at the bottom of the Form USM-285.

**TO DEFENDANTS TONY SMITH, TRACY SIMMS, AND DAVID CRAIG, III:**

Defendants Tony Smith, Tracy Simms, and David Craig, III, are directed to file an answer to the Amended Complaint or otherwise plead. Defendants and their attorneys are, hereby, notified that all dispositive motions from Defendants must be filed no later than forty-five (45) days after the answer on behalf of that particular Defendant has been filed. Hence, with respect to the filing of dispositive motions by Defendants, this Order is also a scheduling order.

**TO PLAINTIFF:**

Plaintiff **must** provide, and is responsible for, information sufficient to identify Defendants on the Forms USM-285. The United States Marshal cannot serve an inadequately identified defendant. **Unserved Defendants may be dismissed as parties to this case if not served within the time limit governed by Rule 4(m) and this Order.**

**IT IS SO ORDERED.**

s/Jacquelyn D. Austin  
United States Magistrate Judge

June 17, 2015  
Greenville, South Carolina